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OFFICE OF THE GOVERNOR

American Samoa Government
Pago Pago, American Samoa 96799

TAUESE P.F. SUNIA,
Governor

TOGIOLA T.A. TULAFONO
Lt. Governor

Telephone: (684) 633-4116
Fax: (684) 633-2269

December 30, 1998

Serial No. 1341

Ms. Magalie Roman Sales
Secretary
Federal Communications Commission
445 12th Street, S. W., Room TWB 204
Washington, D. C. 20554


Re: Petition for Assumption of State Commission
Jurisdiction under Section 252(e)(5) of the
Communications Act
CC Docket No. 98-239

Dear Secretary Sales:

Enclosed are 12 copies of a letter to Chairman Kennard from Governor Tauese P.F. Sunia dated December 29, 1998. The original has been directed to the Chairman.

The undersigned hereby certifies that copies of the enclosed letter have been served on the attorneys for the American Samoa Telecommunications Authority and American Samoa License, Inc. in accordance with Section 1.47 of the Commission's Rules of Practice and Procedure.

Sincerely,


HENRY W. KAPREL
Legal Counsel

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Enclosure

cc: (Each w/enclosure)
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TOGIOLA T.A. TULAFONO
Lt. Governor

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JAN 20 1999 December 29, 1998

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Serial No. 1340

The Honorable William E. Kennard
Chairman
Federal Communications Commission
1919 M Street, N. W., Room 814
Washington, D. C. 20554-0001

Re: Petition for Assumption of State Commission
Jurisdiction under Section 252(e)(5) of the
Communications Act
CC Docket No. 98-239

Dear Chairman Kennard:

I am writing to express my opposition to the above-captioned petition for preemption of local jurisdiction over the arbitration of an interconnection agreement in American Samoa. When the Commission reviews this matter, I believe you will find that there has been no failure of local regulation which would warrant preemption.

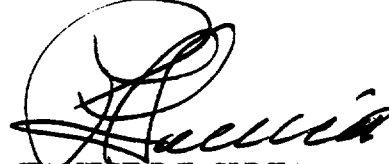
Despite attempts to block or delay the pending arbitration, the case is proceeding on the statutory schedule provided in the federal Telecommunications Act. Our local court has rejected an effort to enjoin the arbitration and has ruled that the Governor of American Samoa, acting as Telecommunications Regulatory Commissioner, is authorized under local law to regulate the local operations of telecommunications carriers. In my capacity as Commissioner, I intend to reach a fair and reasonable decision consistent with the requirements of the Telecommunications Act.

In order to facilitate compliance with the pro-competitive provisions of the 1996 Telecommunications Act, I issued an order in 1998 which reorganized our governmental Office of Communications into a semi-autonomous authority with responsibility for its own management and financial affairs. The new American Samoa Telecommunications Authority has separated its local and long-distance operations in order to make access and interconnection more readily available to other carriers.

On the regulatory side, I have issued an order designating the Governor as the "state commission" for American Samoa in the absence of a local public utilities commission. As Telecommunications Regulatory Commissioner, I have adopted regulations governing the local operations of telecommunications carriers based on the regulatory standards and procedures which are used by the FCC. The legality of these actions has been upheld by our local court.

Please be assured that my Administration understands and accepts our local responsibilities under the 1996 Telecommunications Act. We hope the FCC will recognize our diligent effort to implement the 1996 Act and to bring the benefits of competition in telecommunication services to the people of American Samoa.

Sincerely,



TAUESE P.F. SUNIA
Governor

cc: American Samoa Telecommunications Authority
American Samoa License, Inc.